

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEVEN BAUGHMAN,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

§
§
§
§
§
§
§
§

No.

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

STEVEN BAUGHMAN (Plaintiff), through his attorneys, KROHN & MOSS, LTD.,
alleges the following against NCO FINANCIAL SYSTEMS, INC., (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Houston, Harris County, Texas.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.
8. Defendant is a national debt collection company and conducts business in the State of Texas.

FACTUAL ALLEGATIONS

9. During the Summer of 2010, Defendant started placing calls to Plaintiff at telephone number (281) 530-1618 seeking to speak with Tonya Baughman or Don Baughman.
10. Plaintiff informed Defendant on numerous occasions that neither of the people that Defendant was seeking to speak with resided at his place of residence.
11. Plaintiff informed Defendant on numerous occasions that telephone number (281) 530-1618, is a Texas Department of Criminal Justice Parole Division GPS Monitor Line. Each time that specific telephone number is called it alerts the Houston District Parole Office of a violation of the conditions of parole.
12. Defendant continued to contact Plaintiff at telephone number (281) 530-1618 despite knowing that it had the wrong number and both consumers that it was seeking to speak with did not reside there.
13. Defendant continued to contact Plaintiff at his place of employment despite knowing that Plaintiff could not receive telephone calls at telephone number (281) 530-1618.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at his place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications:
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt; and
- c. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, STEVEN BAUGHMAN, respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k* , and
17. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: February 22, 2011

By: /s/ Peter Cozmyk
Peter Cozmyk, Esq.
Ohio SBN: 0078862
Attorney for Plaintiff
Krohn & Moss, Ltd.
8043 Corporate Circle, Suite 3
North Royalton, Ohio 44133
pcozmyk@consumerlawcenter.com
Phone: (323) 988-2400 x 213
Fax: (866) 799-3206

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, STEVEN BAUGHMAN, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, STEVEN BAUGHMAN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, STEVEN BAUGHMAN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

January 28, 2011
Date


STEVEN BAUGHMAN